

### Remarks

#### Claim rejections 35 USC § 112

Claim 30 has been amended in line with claim 1, which clarifies that the listing is a listing of locations which is prioritized according to the availability of an agent to reach each location in the listing, whether or not the agent is in fact currently due to visit each such location.

As such the agent profile of claim 30 is neither vague nor indefinite. A value is assigned for an expected availability of an agent to reach each location (both the locations currently scheduled for visits and those not currently on the agent's schedule), and the locations are then prioritized according to the calculated availability. It is submitted that this is a clear and definite definition of the agent profile. Such a prioritized listing is statutory functional descriptive material (see below in relation to the rejection under 35 USC § 101).

#### Claim rejections 35 USC § 101

Claim 30 has been amended to recite "An agent profile stored on a computer-readable medium for use in allocating orders to a mobile agent...".

In line with MPEP 2106 IV(B)(1), when the agent profile "is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases" provided that it is regarded as relating to functional, as opposed to non-functional descriptive material.

The definition of "functional descriptive material" is: "data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or

logical relationship among data elements, designed to support specific data manipulation functions."...) In contrast, "non-functional descriptive material includes but is not limited to music, literary works and a compilation or mere arrangement of data."

The agent profile of claim 30 has "a logical relationship among data elements" because the locations are prioritized according to the availability of the agent to reach each location, which satisfies the first half of the data structure definition. This prioritized listing is "designed to support specific data manipulation functions", namely the allocation of orders to the most appropriate agent based on the prioritization. Accordingly, when employed as a computer component, the data structure defined in claim 30 imparts the required functionality to render it statutory.

Claim rejections 35 USC § 102

The Examiner has argued that in paragraph [0044] of Powell, there are listings of locations not currently due to be visited by any agent. The cited passage discusses a pooled queue in which "all of the outstanding pooled work orders for a particular day are organized by priority, required skills and geographic location".

Claim 1 has been amended to highlight even more clearly the difference between such a pooled queue and the prioritized listing of locations which is at the heart of the current invention. Thus claim 1 requires a prioritized listing of locations which

- includes both scheduled locations which an agent is currently due to visit and unscheduled locations which said agent is not currently due to visit,

- with locations in said listing being prioritized to rank both the scheduled and unscheduled locations for said agent according to availability of the agent to reach each location after said first time,
- said availability having been calculated for each location irrespective of whether or not said agent is currently due to visit a particular location in said listing

While the pooled queue may include details of orders in areas where no agent is due to visit, as well as in areas where various agents are due to make visits, it clearly does not prioritize a listing of such areas for a given agent. Furthermore, there is no disclosure or suggestion in Powell of the prior calculation of availability for an agent to reach both scheduled and unscheduled areas, and maintaining these pre-calculated availability values as a prioritized location listing.

This leads to the advantage that when a new order is received according to the present invention, there already exists a listing of locations prioritized for each agent, and the system can immediately use this to determine who is free to get to the order first (based on the pre-calculated availability listings for each location for each agent).

Thus an agent who is idle and is an hour's drive from a new order location may be assigned that order in preference to a busy agent located only five minutes away from the new order location but involved in a two-hour task. This is because comparison of the two agent profiles (prioritized listings) enables the system to select the idle agent's profile (availability = one hour) in preference to the busy agent's profile (availability = two hours five minutes). As pointed out previously, the Powell system will always assign the order to the agent who is in or adjacent to the new order, irrespective of the expected delay in servicing the order.

Claims 2-17 and 22, being dependent on claim 1, include all of its limitations and therefore benefit from the novelty and non-obviousness of the base claim. Claims 23, 24, 30, 35 and 36 and their dependent claims each share the wording of amended claim 1, and thus these claims are therefore also submitted to be patentable over the prior art.

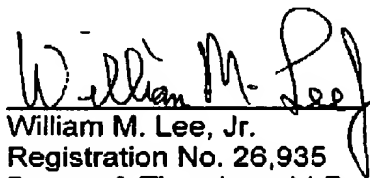
Claim rejections 35 USC § 103

Claims 18-21, 26, 28 and 29 are dependent on claim 1 and therefore benefit from the novelty and non-obviousness of claim 1.

In view of the amendments and arguments made herein, further and favorable reconsideration and allowance are respectfully requested.

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Respectfully submitted,



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